

STATE OF WISCONSIN  
**Assembly Journal**  
October 1983 Special Session

---

WEDNESDAY, November 16, 1983.

The chief clerk makes the following entries under the above date:

---

**COMMUNICATIONS**

The chief clerk reports the following proposals correctly enrolled:

- Assembly Bill 1, October 1983 Special Session
- Assembly Bill 2, October 1983 Special Session
- Assembly Bill 3, October 1983 Special Session
- Assembly Bill 4, October 1983 Special Session
- Assembly Bill 5, October 1983 Special Session
- Assembly Bill 6, October 1983 Special Session
- Assembly Bill 7, October 1983 Special Session

JOANNE M. DUREN  
Assembly Chief Clerk

---

**EXECUTIVE COMMUNICATIONS**

State of Wisconsin  
Office of the Governor  
Madison

To the Honorable, the Assembly:

The following bills, originating in the assembly, have been approved, signed and deposited in the office of the Secretary of State:

Assembly Bill	Act No.	Date Signed
6 (partial veto)-----	83-----	November 10, 1983
1-----	87-----	November 10, 1983
2-----	88-----	November 10, 1983
3-----	89-----	November 10, 1983
4-----	90-----	November 10, 1983
5 (partial veto)-----	91-----	November 10, 1983
7 (partial veto)-----	92-----	November 10, 1983

Respectfully submitted,  
ANTHONY S. EARL  
Governor

---

**GOVERNOR'S VETO MESSAGES**

November 10, 1983

To the Honorable Members of the Assembly:

I have approved Special Session Assembly Bill 5 as 1983 Wisconsin Act 91, and deposited it in the office of the

Secretary of State. I have exercised the partial veto power in three instances as follows:

SECTION 2

S. 227.0105(4). This veto will eliminate language, created by an amendment to the original bill, adding the governor and the secretary of development to the list of recipients of agency reports explaining their failure to make permit application determinations within specific time periods. The effect of this veto will be to require that such reports be sent to the permit information center only.

Permit applicants and the permit information center should have access to and strong backing from the Administration. However, it is important that such access and backing amount to more than mere paper-shuffling. The failure of an agency to make a determination on a permit application in a timely manner can be brought to the secretary's and the governor's attention in a meaningful way under s. 560.42(1) of the bill, which deals with permit expediting. In addition, to ensure that the objective of this provision is met, I have directed Lt. Governor Flynn to submit monthly reports to my office summarizing agencies' compliance with the permit processing deadlines. Because permit processing experiences will be summarized by agency in this report, my office will be able to see immediately if a particular agency is continually running over its deadlines. We can then take appropriate actions, through the Cabinet and the Lt. Governor, to correct the situation.

SECTION 5

S. 560.42(5). This section of the bill establishes two different deadlines for the permit information center to submit an annual report to the Legislature. The veto will clarify the reporting requirement and set a deadline of July 1, 1985 for submitting the first report, with subsequent annual reports submitted on January 1 of each year.

S. 560.42(2)(a)(2m). This section of the bill requires the permit information center to provide advocacy services to permit applicants, including monitoring the application approval process and pursuing statutory and administrative remedies in cases where agencies fail to fulfill permit approval responsibilities.

I have left intact that section of the bill which requires the permit information center to monitor the application approval process and to act as advocates during that process. However, I have deleted that part of the bill

which in effect requires the Department of Development to involve itself on behalf of individual businesses in pursuing statutory and administrative remedies. This provision could have the effect of slowing down the permit process through lengthy litigation and administrative proceedings. This is contrary to the intent of the legislation, which is to expedite and streamline the permitting process.

In any event, the two-person staff of the center will be hard pressed to fulfill all of its other responsibilities under the bill, much less take part in lengthy adversarial processes. I am persuaded that the center can best fulfill its primary functions as a source of information and an expeditor of the permitting process without having the added burden of intervening in legal proceedings.

Respectfully submitted,  
ANTHONY S. EARL  
Governor

November 10, 1983

To the Honorable Members of the Assembly:

I have approved Special Session **Assembly Bill 6** as 1983 Wisconsin Act 83, and deposited it in the office of the Secretary of State. I have exercised the partial veto power in six instances as follows:

#### SECTION 5

S. 234.01(5i). This veto deletes s. 234.01(5i) and a reference to the same on the first line of Section 5, after (4n). Section 234.01(5i) defines "financial institution," which has already been defined, with one non-substantive difference, in Section 2 of Assembly Bill 451. This veto will avoid the confusion and redundancy which would have arisen by having two definitions of the same term appearing in the statutes.

#### SECTION 6

S. 234.03(21). This veto will eliminate the requirement that Department of Development (DOD) consent must be given before WHEDA can participate in economic development lending. Parallel authorizing language in Assembly Bill 451, affecting the same section of the statutes, contains no reference to DOD consent. The DOD consent requirement is covered by s. 234.65(3m); therefore, the reference in s. 234.03(21) is unnecessary and inconsistent with the balance of s. 234.03.

S. 234.03(24). This section empowers the Authority to withhold disbursement of funds for the construction or improvement of property until the project has been satisfactorily completed, a financial institution has issued an irrevocable letter of credit, or a corporate surety has furnished an acceptable performance bond. The Authority has broad statutory powers to set the terms and conditions of its loans and does not need special authorization to withhold funds. Moreover, concern has

been expressed that a statutory reference to specific reasons due to which the Authority may withhold funds could be construed to limit withholding to those reasons only. Finally, this subsection is being vetoed because it does not make sense to withhold construction loans when the purpose of such loans is to finance construction.

#### SECTION 13

S. 234.24. This section of the bill amends the statutes to require the Authority to prescribe a system of funds and accounts. The same amendment was made in Assembly Bill 451. However, the title of s. 234.24 in **Assembly Bill 6** does not contain the words "funds and," which were added to the body of s. 234.24 and included in the title of that section in Assembly Bill 451. This veto will clarify the placement of the words "funds and" in the statutes.

#### SECTION 16

S. 234.65(1m) and (3m). Section 16 establishes standards and criteria for the economic development loan program and defines the DOD's role in administering the program. Under this section, DOD must promulgate rules, adopt procedures and certify compliance with the standards and criteria.

As enrolled, the bill calls for DOD to promulgate rules and adopt procedures to implement subs. (2) and (3) of s. 234.65. Subsection (2) requires the Authority to consider a variety of factors before financing an economic development loan. Subsection (3) sets specific conditions for individual loans. This veto will eliminate the requirement that DOD adopt rules and procedures implementing subsection (2). Since the responsibility to consider the listed factors clearly rests with the Authority, it is inappropriate for DOD to have rule-making authority in this area. The veto will retain DOD's responsibility to adopt rules regarding and certify the compliance of individual loans with the loan conditions enumerated in subsection (3).

S. 234.65(3)(dg). This veto will eliminate the first sentence of s. 234.65(3)(dg). This sentence requires all economic development loans to be secured "with security devices for the Authority's benefit in such form and amount as the Authority may determine to minimize the Authority's investment risk." The Authority is already empowered to set the terms and conditions of its loans and the bond market will demand that the Authority minimize its investment risk. Administrative interpretation of the broad language in this sentence could affect the Authority's use of security devices and, therefore, the marketability of bonds. The veto retains the second sentence of s. 234.65(3)(dg). Retaining the second sentence, which clearly states that the Authority shall not assume primary risk for any economic development loan, strikes the necessary balance between clarifying legislative intent and satisfying bond market

JOURNAL OF THE ASSEMBLY [November 16, 1983]

sensitivity to administrative oversight of Authority risk decisions.

Respectfully submitted,  
ANTHONY S. EARL  
Governor

November 10, 1983

To the Honorable Members of the Assembly:

I have approved Special Session **Assembly Bill 7** as 1983 Wisconsin Act 92, and deposited it in the office of the Secretary of State. I have exercised the partial veto power in one instance.

SECTIONS 1p and 1q. This veto deletes Sections 1p and 1q of the bill. These sections created an appropriation under the correctional services program in the Department of Health and Social Services. The appropriation was intended to be used to offset the additional expense to correctional institutions of purchasing dairy products in compliance with a provision in the original bill prohibiting the use of non-dairy products in state institutions. The non-dairy product prohibition was eliminated from the bill during the legislative process; however, the appropriation was retained through an oversight.

Respectfully submitted,  
ANTHONY S. EARL  
Governor

COMMUNICATIONS

State of Wisconsin  
Department of State  
Madison

To Whom It May Concern:

Dear Sir: Acts, joint resolutions and resolutions, deposited in this office, have been numbered and published as follows:

Bill or Res. No.	Act No.	Publication date
<b>Assembly Bill 6, ss</b>	-----83	---- November 16, 1983
<b>Assembly Bill 1, ss</b>	-----87	---- November 16, 1983
<b>Assembly Bill 2, ss</b>	-----88	---- November 16, 1983
<b>Assembly Bill 3, ss</b>	-----89	---- November 16, 1983
<b>Assembly Bill 4, ss</b>	-----90	---- November 16, 1983
<b>Assembly Bill 5, ss</b>	-----91	---- November 16, 1983
<b>Assembly Bill 7, ss</b>	-----92	---- November 16, 1983

DOUGLAS La FOLLETTE  
Secretary of State

REFERENCE BUREAU CORRECTIONS

Senate amendment 8 to **Assembly Bill 7**

In enrolling, the following correction was made:

Page 1, line 4: on that line, substitute "SECTION 1r." for "SECTION 1."

Assembly amendment 19 to **Assembly Bill 7**

In enrolling, the following corrections were made:

1. Page 1, line 9: on that line, substitute "SECTION 1p." for "SECTION 1."
2. Page 1, line 17: on that line, substitute "SECTION 1q." for "SECTION 1d."